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17 **IN THE UNITED STATES DISTRICT COURT**
 18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

19

 20 SONYA RENEE, et al.,) Civil Action No. 3:07cv4299-PJH
 21)
 22 Plaintiffs,)
 23)
 24 v.) **DEFENDANTS' REQUEST TO APPEAR**
 25 MARGARET SPELLINGS, et al.,) **AT CASE MANAGEMENT**
 26) **CONFERENCE BY TELEPHONE**
 27 Defendants.) **AND**
 28) **MEMORANDUM IN SUPPORT THEREOF**

1 Pursuant to Local Civil Rule 16-10(a), defendants United States Department of
 2 Education and Secretary of Education Margaret Spellings (collectively "Defendants") request
 3 that their counsel be permitted to appear at the Case Management Conference, currently
 4 scheduled for December 6, 2007 at 2:30 p.m., by telephone.

5 Plaintiffs' counsel consents to this request.

6 Given this case's current circumstances and posture, defendants believe that the Court
 7 may find it appropriate for defendants' counsel to appear by telephone rather than in person. As
 8 reflected in the parties' Joint Case Management Statement, plaintiffs filed an Amended
 9 Complaint on November 27, 2007, and defendants' response to the Amended Complaint is not
 10 due until Friday, December 14, 2007. Accordingly, the issues in this case are not yet joined and
 11 defendants will not have responded to the Complaint by the case management conference.

1 Further, plaintiffs have agreed to review the administrative record, which will be filed after the
2 case management conference, before determining if they will seek discovery over defendants'
3 objection that discovery is inappropriate. Accordingly, defendants anticipate that the Court will
4 not be called upon to decide at the case management conference whether discovery is necessary.
5 Because the parties anticipate that this case can be resolved through dispositive motions, they
6 are working to provide the Court an agreed schedule for dispositive motions and have also
7 requested that matters related to scheduling for trial be postponed until after the Court decides
8 the parties' motions. Finally, counsel's offices are in Washington, D.C., and attendance by
9 telephone would avoid the need for travel at the taxpayer's expense from Washington, D.C., to
10 San Francisco.

11 || Dated: November 29, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2007, a true and correct copy of the foregoing Defendants' Request to Appear at Case Management Conference by Telephone was served by the Court's ECF system upon the following:

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